

1 **Rule 24. Intervention.**

2 (a) ~~Intervention of right. Upon~~ On timely ~~application motion, the court must permit~~  
3 anyone ~~shall be permitted~~ to intervene ~~in an action: who:~~

4 (1) ~~when a statute confers is given~~ an unconditional right to intervene by a statute;  
5 or

6 (2) ~~when the applicant~~ claims an interest relating to the property or transaction  
7 ~~which that~~ is the subject of the action, and ~~the applicant~~ is so situated that ~~the~~  
8 ~~disposition disposing~~ of the action may as a practical matter impair or impede the  
9 ~~applicant's movant's~~ ability to protect ~~that its~~ interest, unless ~~the applicant's interest is~~  
10 ~~adequately represented by~~ existing parties adequately represent that interest.

11 (b) ~~Permissive intervention. Upon~~

12 (1) In General. On timely ~~application motion, the court may permit~~ anyone ~~may be~~  
13 ~~permitted~~ to intervene ~~in an action: (1) when a statute confers who:~~

14 (A) is given a conditional right to intervene by a statute; or ~~(2) when an~~  
15 ~~applicant's~~

16 (B) has a claim or defense ~~and that shares with~~ the main action ~~have a common~~  
17 question of law or fact ~~in common. When a party to an action bases~~

18 (2) By a Governmental Entity. On timely motion, the court may permit a ~~federal or~~  
19 ~~state governmental entity, or its officer or agental officer or agency,~~ to intervene if a  
20 ~~party's~~ claim or defense upon any is based on:

21 (A) a statute or executive order administered by ~~the governmental entity a~~  
22 ~~governmental the officer or agency;~~ or ~~upon~~

23 (B) any regulation, order, requirement, or agreement issued or made pursuant  
24 ~~to under~~ the statute or executive order, ~~the officer or agency upon timely~~  
25 ~~application may be permitted to intervene in the action.~~

26 | (3) Delay or Prejudice. In exercising its discretion, the court ~~shall~~must consider  
27 | whether the intervention will unduly delay or prejudice the adjudication of the  
28 | ~~rights of the original parties~~parties' rights.

29 | (c) ~~Procedure. Notice and motion required.~~ A ~~person desiring motion~~ to intervene ~~shall~~  
30 | ~~serve a motion to intervene upon~~ must be served on the parties as provided  
31 | in ~~Rule~~Rule 5. The ~~motions shall~~motion must state the grounds ~~therefor for~~  
32 | intervention and ~~shall be accompanied by a pleading setting forth that sets out~~ the claim  
33 | or defense for which intervention is sought.

34 | (d) Constitutionality of Utah statutes, and ordinances, rules, and other administrative  
35 | or legislative enactments.

36 | ~~(1) If a party challenges the constitutionality of a statute in an action in which the~~  
37 | ~~Attorney General has not appeared, the party raising the question of~~  
38 | ~~constitutionality shall notify the Attorney General of such fact. The court shall~~  
39 | ~~permit the state to be heard upon timely application.~~ Challenges to a statute. If a  
40 | party challenges the constitutionality of a statute in an action in which the Attorney  
41 | General has not appeared, the party raising the question of constitutionality shall  
42 | notify the Attorney General of such fact by serving the notice on the Attorney  
43 | General by email or, if circumstances prevent service by email, by mail at the  
44 | address below. The party shall then file proof of service with the court.

45 | Email: notices@agutah.gov

46 | Mail:

47 | Office of the Utah Attorney General

48 | Attn: Utah Solicitor General

49 | 350 North State Street, Suite 230

50 | P.O. Box 142320

51 | Salt Lake City, Utah 84114-2320

52 ~~.(d)(2) If a party challenges the constitutionality of a county or municipal ordinance~~  
53 ~~in an action in which the county or municipal attorney has not appeared, the party~~  
54 ~~raising the question of constitutionality shall notify the county or municipal attorney~~  
55 ~~of such fact. The court shall permit the county or municipality to be heard upon~~  
56 ~~timely application.~~

57 (2) Challenges to an ordinance or other governmental enactment. If a party  
58 challenges the constitutionality of a governmental entity's ordinance, rule, or other  
59 administrative or legislative enactment in an action in which the governmental  
60 entity has not appeared, the party raising the question of constitutionality shall  
61 notify the governmental entity of such fact by serving the person identified in Rule  
62 4(d)(1) of the Utah Rules of Civil Procedure. The party shall then file proof of service  
63 with the court.

64 (3) Notification procedures.

65 (A) Form and content. The notice shall (i) be in writing, (ii) be titled "Notice  
66 of Constitutional Challenge Under URCP 24(d)," (iii) concisely describe the  
67 nature of the challenge, and (iv) include, as an attachment, the pleading,  
68 motion, or other paper challenging constitutionality as set forth above.

69 (B) Timing. The party shall serve the notice on the Attorney General or other  
70 governmental entity on or before the date the party files the paper  
71 challenging constitutionality as set forth above.

72 (4) Attorney General's or other governmental entity's response to notice.

73 (A) Within 14 days after the deadline for the parties to file all papers in response  
74 to the constitutional challenge, the Attorney General or other governmental  
75 entity ("responding entity") shall file a notice of intent to respond unless the  
76 responding entity determines that a response is unnecessary. The responding  
77 entity may seek up to an additional 7 days' extension of time to file a notice of  
78 intent to respond.

79 (B) If the responding entity files a notice of intent to respond within the time  
80 permitted by this rule, the court will allow the responding entity to file a  
81 response to the constitutional challenge and participate at oral argument when it  
82 is heard.

83 (C) Unless the parties stipulate to or the court grants additional time, the  
84 responding entity's response to the constitutional challenge shall be filed within  
85 14 days after filing the notice of intent to respond.

86 (D) The responding entity's right to respond to a constitutional challenge under  
87 Rule 25A of the Utah Rules of Appellate Procedure is unaffected by the  
88 responding entity's decision not to respond under this rule.

89 (5) Failure to provide notice. ~~(d)(3)~~ Failure of a party to provide notice as required  
90 by this rule is not a waiver of any constitutional challenge otherwise timely asserted.  
91 If a party does not serve a notice as required by this rule, the court may postpone the  
92 hearing until the party serves the notice.

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